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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application Serial No. .... 09/805,620  
Confirmation No. .... 3004  
Filing Date ..... March 13, 2001  
Inventor ..... Craig M. Carpenter  
Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... Unknown  
Examiner ..... Unknown  
Attorney's Docket No. .... MI22-1563 #5  
Title: Chemical Vapor Deposition Apparatuses and Deposition Methods

**PETITION TO THE COMMISSIONER UNDER THE AUTHORITY OF**  
**37 CFR § 1.181**

To: Box DAC  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

From: James E. Lake (Tel. 509-624-4276; Fax 509-838-3424)  
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601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

Applicant hereby petitions the Commissioner to re-mail the Notice to File Corrected Application Papers apparently mailed originally on January 28, 2002 and to restart the period for providing a substitute specification of U. S. Patent Application Serial No. 09/805,620 with adjusted margins. The undersigned hereby states that the Notice to File Corrected Application Papers indicated as mailed on January 28, 2002 was not received. A search of the file associated with the indicated application and the docket records of my office indicate that this Notice to File Corrected Application Papers was not received.

EV085413929

Applicants became aware that the Notice to File Corrected Application Papers had not been received as a result of an inquiry with a PTO customer service representative (Tushombe Stokes) on or about July 14, 2003. The inquiry regarded the Official Filing Receipt which the Applicants had not received and the PTO representative happened to mention that a Notice to File Corrected Application Papers had also been sent. The Official Filing Receipt and the Notice to File Corrected Application Papers were both mailed on January 28, 2002 and apparently sent together. Applicants thereafter acquired a copy of the PTO file history to obtain a copy of the official, signed Notice and to verify that it was sent. Applicants note that the statutory period for responding to the Notice to File Corrected Application Papers by July 28, 2002 already passed by nearly one year when Applicants became aware that the Notice had not been received.

Included herewith is a copy of the attorneys' master docket copy of the "Calendar By Due Date" for July 28, 2002, the end of the statutory reply period, and for March 28, 2002, the end of the shortened statutory reply period for the Notice to File Corrected Application Papers that was not received. The undersigned hereby states that a docket entry to file a substitute specification for the file corresponding to Application No. 09/805,620 does not appear on the Calendar for July 28, 2002 or March 28, 2002. The undersigned further notes that all entries for clients other than Micron Technology, Inc. are redacted from the Calendar to maintain confidentiality. Only seven file numbers for the indicated client appear on the

July 28, 2002 Calendar and only seven file numbers appear on the March 28, 2002 Calendar. None of such file numbers correspond to the subject application.

Also included herewith is a copy of the "Batch Calendar Entries Verification List" dated March 14, 2001 for the attorney's file no. MI22-1563 (numerically represented as 1309022.1563), corresponding to Application No. 09/805,620. The Verification List includes a docket entry dated August 13, 2001 to check whether the Official Filing Receipt had been received. The docket entry was created as a follow-up to the filing of Application No. 09/805,620 on March 13, 2001. The task due date was moved forward after performing the check to allow for future periodic checks, such the July 14, 2003 investigation mentioned above, until receiving the Official Filing Receipt. If the Official Filing Receipt had been received, a handwritten notation would exist on the Verification List indicating the date of receiving it as evidence supporting the removal of the task from the docket.

Further included herewith is a copy of the attorney's "Calendar By Due Date" dated August 1, 2003 showing that at such time the above mentioned task to check for the Official Filing Receipt remained on the docket, indicating that it was not yet received. Since the Official Filing Receipt and Notice to File Corrected Application Papers were apparently sent together, it follows that non-receipt of one indicates non-receipt of the other. Further, if the Notice to File Corrected Application Papers had been received, then a "Batch Calendar Entries Verification List" indicating a task to reply to same would be

placed in the attorneys' file for the application. Search of the pertinent file did not reveal any such Batch Calendar Entries Verification List.

In consideration of the statements herein and the attached documents, Applicants respectfully request re-mailing of the Notice to File Corrected Application Papers and restarting the period for submitting a substitute specification.

Applicants believe that no fees are required to have this petition considered and granted. In the event that the Office disagrees, Applicant requests a telephone call to the undersigned at (509) 624-4276 during normal business hours Pacific Daylight Time.

Respectfully submitted,

Dated: 28 Aug 2003

By:   
James E. Lake  
Reg. No. 44,854